

FILED

2002 JUN -3 AM 11:36

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF SOUTH CAROLINA

IN RE:

CASE NO.: 98-05823-B

MICHAEL R. MILWARD

CHAPTER 13

DEBTOR.

MOTION AND MEMORANDUM IN SUPPORT OF DEBTOR'S
APPLICATION TO SELL REAL PROPERTY

Debtor herein has filed an Application to Sell Real Property co-owned by the debtor and his non-filing spouse. Mr. Milward seeks the court's permission to be permitted to sell said real property according to the terms set forth in the Application.

The real property in question is located at 308 Amberjay Way, Summerville, South Carolina [TMS 145-09-02-046]. First Union hold the 1st mortgage on the above-referenced property in the approximate amount of Seventy-eight Thousand and no/100 (\$78,000.00) with Avanta Mortgage hold a second mortgage in the approximate amount of Thirty-two Thousand and no/100 (\$32,000.00)

11 U.S.C § 363 (b) (1) provides that:

The Trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate.

11 U.S.C. § 363 (c) (2) (b) provides that such a sale of property of the estate may proceed if

best interest of the estate to sell said property by private sale. Applicant also believes that the funds to be recovered for the estate from the said property justify its sale and the filing of this application.

The Court may consider additional offers at any hearing held on this notice and application for sale. The Court may order at any hearing that the property be sold to another party on equivalent or more favorable terms.

The trustee or debtor in possession, as applicable, may seek sanctions or other similar relief against any party filing a spurious objection to this notice.

WHEREFORE, applicant requests the Court issue an Order authorizing sale of said property and such other and further relief as may be proper.

5/31/02

ROBERT L. PAPA
Fed ID # 2965
Attorney for Debtor
6 Carriage Lane, Ste A
Charleston SC 29407-6010
(843) 571-4611

I hereby certify that a copy of the foregoing Notice and Application of Sale of Property was served on Joy S. Goodwin, Trustee, PO Box 2066, Columbia SC 29202 and all Creditors on the attached mailing matrix list on this 31st day of May, 2002.

Beth Carpenter